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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/824,553 | 04/14/2004 | Curtis B. Johnson | H0006341-0779 | 6250 |

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| EXAMINER | |
|---|---|
| LIEU, JULIE BICHNGOC | |
| ART UNIT | PAPER NUMBER |
| 2636 | |

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/824,553 | JOHNSON ET AL. | |
| | Examiner | Art Unit | |
| | Julie Lieu | 2636 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/14/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Objections*

1. Claim 4 is objected to because of the following informalities: "said diagnostic" perhaps should be recited as "said diagnostic data". Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Syed et al. (US Patent No. 2005/0035848 A1).

Claim 6:

Referring to front-page figure Syed disclose latch system, comprising:

a. data associated with a latch (status), wherein the data is generated in response to automatically analyzing the latch a graphical user interface for graphically displaying the data within a display area thereof, and

b. a communications link (fig. 2) between said graphical user interface 320and the latch over which latch operational and functionality feedback information (open or close command) is communicated to the latch, in response to user input provided to the graphical user interface.

See also page 2, [0037].

The system in Syed is used for monitoring and operating embedded transceiver lock/latch. However, one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired because the function of the system, e.g. lock status and control function such as open or close command, would not thereby be modified.

Claim 7:

The latch in Syed's system is automatically analyzed in response to user input provided through said graphical user interface 230. See page 2, [0038].

Claim 8:

The latch in Syed's system is inherently automatically analyzed during latch operations thereof.

Claim 9:

The status/diagnostic data in Syed's system comprises latch functionality and operational information.

Claim 10:

The functionality and operation of the latch in Syed's system are automatically modified, in response to communicating latch operational and functionality feedback information to the latch over the communications link (i.e. the lock open or closed upon input from the operator at the operator interface terminal).

Claim 11:

The graphical user interface 230 is displayable within a display screen associated with a data processing system.

Claim 12:

The communications link in the Syed system comprises a wireless communications link between the data processing system and the latch.

Claims 1-3:

The rejection of claim 1-3 recites the rejection of claim 6-8, respectively, except they are method claims.

Claim 4:

In Syed's, the step of graphically displaying the diagnostic data within a display area of the graphical user interface further comprises the step of display the status/diagnostic data within the display area, wherein the data comprises latch functionality and operational information, such as open or closed.

Claim 5:

The method in Syed's automatically modifying a functionality and an operation of the latch, in response to communicating latch operational and functionality feedback information to the latch. That is, the function and operation of the latch is remotely controlled by the operator input at the monitoring station.

Claim 13:

Though a program is not clearly shown in Syed, it is inherent that a program product residing in a memory of a data-processing system for diagnosing/operating a latch is included in the system, which comprises:

a. instruction means residing in a data-processing system for generating diagnostic data associated with a Latch, in response to automatically analyzing said latch,

b. instruction means residing in a data-processing system for providing a graphical user interface for graphically displaying said diagnostic data within a display area thereof', and

c. instruction means residing in a data-processing system for communicating latch operational and functionality feedback information from the graphical user interface to the latch in response to user input provided through said graphical user interface.

The system in Syed is used for monitoring and operating embedded transceiver lock/latch. However, one skilled in the art would have readily recognized that the system could also be used for diagnostic purposes as desired because the function of the system, e.g. lock status and control function such as open or close command, would not thereby be modified.

Claim 14:

In Syed's system, the latch is automatically analyzed in response to user input provided through the graphical user interface.

Claim 15:

The latch in Syed's system is automatically analyzed during latch operations thereof.

Claim 16:

The status/diagnostic data in Syed's comprises latch functionality and operational information.

Claim 17:

The instruction means in the Syed system resides in a data-processing system for automatically modifying a functionality and an operation of the latch, in response to communicating latch operational and functionality feedback information to the latch over the communications link.

Claim 18:

The instruction means in Syed's system further comprises signal bearing media.

Claim 19:

The signal bearing media in the Syed system further comprises recordable media.

Claim 20:

The signal bearing media in the Syed system further comprises transmission media.

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kominami et al., US Patent No. 6,785,595, discloses an electronic control system for vehicle accessory devices.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Julie Lieu
Primary Examiner
Art Unit 2636

Dec. 07, 05